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**BAKER BOTTS** LLP

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
A34634 - 070378.0108

First named inventor: John R. Mruz

Application No.: 09/896,171

Art Unit: 2817

Filed: June 29, 2002

Examiner: Benny T. Lee

Title: SWITCHABLE RF POWER DIVIDER/COMBINER

Attention: Office of Petitions  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of Petition for Revival of Application Abandoned Uninten (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee of \$\_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

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## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

March 22, 2005

Date



Signature

Telephone  
Number: 212 408-2585

Paul D. Ackerman

Typed or printed name

Baker Botts LLP, 30 Rockefeller Plaza,

Address

44th Floor, New York, NY 10112-4498

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

March 22, 2005

Date



Signature

Paul D. Ackerman, PTO Reg. No. 39,891

Type or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mruz et al.  
Serial No. : 09/896,171 Art Unit: 2817  
Filed : June 29, 2002 Examiner: Benny T. Lee.  
For : SWITCHABLE RF POWER DIVIDER/COMBINER

**LETTER ACCOMPANYING PETITION FOR REVIVAL OF AN APPLICATION FOR  
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

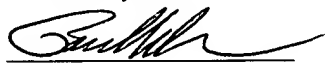
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Service as first class mail in an envelope addressed to:  
Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.

March 22, 2005

Date of Deposit

Paul D. Ackerman

Attorney Name



Signature

39,891

PTO Registration No.

March 22, 2005

Date of Signature

**Mail Stop Petition**

Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully petitions to revive the above-captioned application in accordance with 37 C.F.R. § 1.137(a). For the reasons set forth below, abandonment of the application was unintentional. As set forth below, the abandonment was based on a failure to reply to an office action which was not received by the applicants or their counsel within the statutory period to respond to the action.

The above-captioned application was the subject of a Status Letter mailed to the United States Patent and Trademark Office on June 17, 2004. In the Status Letter, it was noted that no

communication had been received from the Patent Office since applicants' October 8, 2003 filing of a Request for Continued Examination.

On August 20, 2004, Baker Botts received a telephone call from Examiner Lee, responding to the Status Letter, informing applicants' counsel that the application was abandoned as a result of a failure to respond to an Office Action purported to have been mailed from the United States Patent and Trademark Office in January 2004.

The undersigned has conducted an internal investigation and has determined that our Docketing Department has no record of ever receiving an Office Action for this file from the Patent Office on or about January or February 2004.

During the August 20, 2004 telephone call, Examiner Lee indicated that he would issue a Notice of Abandonment for this application. A review of the file in early October 2004 indicated that the Notice of Abandonment was not yet received. As a result of a further investigation conducted by the undersigned, a copy of the Office Action dated January 30, 2004, and a Notice of Abandonment dated August 24, 2004, were located on PAIR and printed by the undersigned on October 20, 2004 from PAIR's image retrieval system. A review of both the Office Action and Notice of Abandonment indicate that the Attorney Docket Number on these Patent Office communications is incorrect. The correct docket number for this file is A34634 - 070378.0108; the number reflected on the Patent Office papers is A30904 - 070378.0107.

A review of our File A30904 (the file referenced on the Patent Office papers) conducted on October 20, 2004 uncovered the August 24, 2004 Notice of Abandonment. This inquiry did not locate any record of Baker Botts receipt of the January 30, 2004 Office Action, which resulted in the abandonment of the above-referenced application.

A response to the Office Action dated January 30, 2004 is filed herewith.

For the reasons set forth above, the undersigned hereby avers that any delay in

responding to the Office Action mailed January 30, 2004 was entirely unintentional. Applicant respectfully requests that this Petition to Revive Application be granted. Applicant further requests correction of the Patent Office files to reflect the proper attorney docket number of A34634 - 070378.0108.

Enclosed is a check in the amount of \$1,500.00 for this Petition fee as required under 37 C.F.R. § 1.17(l). Applicants do not believe that any additional fee is required in connection with the submission of this document. However, should any fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit any overpayments made, to Deposit Account 02-4377. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.



Paul D. Ackerman  
PTO Reg. No. 39,891  
*Attorney for Applicants*

30 Rockefeller Plaza  
New York, NY 10012-4498  
(212) 408-2585

Enclosures

responding to the Office Action mailed January 30, 2004 was entirely unintentional. Applicant respectfully requests that this Petition to Revive Application be granted. Applicant further requests correction of the Patent Office files to reflect the proper attorney docket number of A34634 - 070378.0108.

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Respectfully submitted,

BAKER BOTTS L.L.P.



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